

**Executive Summary – Enforcement Matter – Case No. 42347**  
**CELANESE LTD.**  
**RN100258060**  
**Docket No. 2011-1501-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Celanese Bay City Plant, 2001 Farm-to-Market ("FM") Road 3057, Bay City, Matagorda County

**Type of Operation:**

Chemical manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket No. 2011-1945-AIR-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** December 9, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,139

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$10,139

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Limit Adjustment:** \$-3,900

**Applicable Penalty Policy:** September 2002

CELANESE LTD.

RN100258060

Docket No. 2011-1501-AIR-E

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 23, 2011

**Date(s) of NOE(s):** August 19, 2011

***Violation Information***

1. Failed to prevent unauthorized emissions [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 4449, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 1628, Special Terms and Conditions No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to include in the Final Report the authorization number and the correct authorization limit [30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. 1628, Special Terms and Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Implement procedures to prevent the recurrence of emissions events due to the same or similar cause as Incident No. 155170; and
  - ii. Implement training to ensure that all final emissions event reports submitted to the agency are completed correctly.
- b. Within 45 days, submit written certification demonstrating compliance.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

**Executive Summary – Enforcement Matter – Case No. 42347**

**CELANESE LTD.**

**RN100258060**

**Docket No. 2011-1501-AIR-E**

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Nadia Hameed, Enforcement Division,  
Enforcement Team 5, MC R-12, (713) 767-3629; Debra Barber, Enforcement Division,  
MC 219, (512) 239-0412

**TCEQ SEP Coordinator:** N/A

**Respondent:** Mark Frels, Site Manager, CELANESE LTD., 2001 FM Road 3057, Bay  
City, Texas 77414

Billy Campbell, EHSA Coordinator, CELANESE LTD., 2001 FM Road 3057, Bay City,  
Texas 77414

**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 22-Aug-2011 | <b>Screening</b> | 23-Aug-2011 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 25-Aug-2011 |                  |             |                |  |

## RESPONDENT/FACILITY INFORMATION

|                             |               |                           |       |
|-----------------------------|---------------|---------------------------|-------|
| <b>Respondent</b>           | CELANESE LTD. |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN100258060   |                           |       |
| <b>Facility/Site Region</b> | 12-Houston    | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|                                        |                 |                              |                    |
|----------------------------------------|-----------------|------------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 42347           | <b>No. of Violations</b>     | 2                  |
| <b>Docket No.</b>                      | 2011-1501-AIR-E | <b>Order Type</b>            | Findings           |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Nadia Hameed       |
|                                        |                 | <b>EC's Team</b>             | Enforcement Team 5 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$10,100**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **39.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,939**

Notes: Enhancement for three NOVs with same/similar violations, 13 NOVs with dissimilar violations. Reduction for two Notice of Audit letters submitted.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$727  
Approx. Cost of Compliance \$20,500  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$14,039**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$14,039**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$10,139**

**DEFERRAL** **0.0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$10,139**

Screening Date 23-Aug-2011  
 Respondent CELANESE LTD.  
 Case ID No. 42347  
 Reg. Ent. Reference No. RN100258060  
 Media [Statute] Air  
 Enf. Coordinator Nadia Hameed

Docket No. 2011-1501-AIR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## Compliance History Worksheet

### >> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...                                                                                                                                                                                                                           | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )                                                                            | 3                 | 15%     |
|                               | Other written NOVs                                                                                                                                                                                                                     | 13                | 26%     |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )                                                                                                                      | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )                              | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government                                        | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )                                                                                                                                           | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )                                                                                                                                                                         | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 2                 | -2%     |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )                                                | 0                 | 0%      |
| Please Enter Yes or No        |                                                                                                                                                                                                                                        |                   |         |
| Other                         | Environmental management systems in place for one year or more                                                                                                                                                                         | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program                                                                                                                        | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program                                                                                                                                                                               | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements                                                                                                                  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 39%

### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

### >> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

### >> Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations, 13 NOVs with dissimilar violations.  
 Reduction for two Notice of Audit letters submitted.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 39%

Screening Date 23-Aug-2011

Docket No. 2011-1501-AIR-E

PCW

Respondent CELANESE LTD.

Policy Revision 2 (September 2002)

Case ID No. 42347

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100258060

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Air Permit No. 4449, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 1628, Special Terms and Conditions No. 16, and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, 21,320.55 pounds of 1-hexene were released when the Respondent failed to prevent the railcar loading arm from disconnecting during a product off-loading operation in the Shipping Area, resulting in an emissions event (Incident No. 155170) which began on June 1, 2011, and lasted for 17 minutes. Since the emissions event was avoidable by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    | x     |          |       |
| Potential |       |          |       |

Percent 100%

## &gt;&gt; Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        | x |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$10,000

One daily event is recommended.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           | x          | (mark with x)                 |

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$710

Violation Final Penalty Total \$13,900

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent CELANESE LTD.  
Case ID No. 42347  
Reg. Ent. Reference No. RN100258060  
Media Air  
Violation No. 1

Percent Interest 5.0  
Years of Depreciation 15

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |          |            |             |      |       |     |       |
|--------------------------|----------|------------|-------------|------|-------|-----|-------|
| Equipment                |          |            |             | 0.00 | \$0   | \$0 | \$0   |
| Buildings                |          |            |             | 0.00 | \$0   | \$0 | \$0   |
| Other (as needed)        |          |            |             | 0.00 | \$0   | \$0 | \$0   |
| Engineering/construction |          |            |             | 0.00 | \$0   | \$0 | \$0   |
| Land                     |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Record Keeping System    |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Training/Sampling        |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Remediation/Disposal     |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Permit Costs             |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        | \$20,000 | 1-Jun-2011 | 15-Feb-2012 | 0.71 | \$710 | n/a | \$710 |

Notes for DELAYED costs

Estimated expense to ensure that the loading arm does not disconnect during operations. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions are expected to be completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$710



Screening Date 23-Aug-2011  
Respondent CELANESE LTD.  
Case ID No. 42347  
Reg. Ent. Reference No. RN100258060  
Media [Statute] Air  
Enf. Coordinator Nadia Hameed  
Violation Number 2

Docket No. 2011-1501-ATR-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Rule Cite(s) 30 Tex. Admin. Code §§ 101.201(b)(1)(H) and 122.143(4), FOP No. 1628, Special Terms and Conditions No. 2, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to include in the Final Report the authorization number and the correct authorization limit for the facility involved in Emissions Event Incident No. 155170, which occurred on June 1, 2011 in the Shipping Area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification |       |          |       | Percent |
|---------------|-------|----------|-------|---------|
|               | Major | Moderate | Minor |         |
|               |       |          | x     | 1%      |
|               |       |          |       |         |

Matrix Notes At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1 83 Number of violation days

|                            |              |   |
|----------------------------|--------------|---|
| mark only one<br>with an x | daily        |   |
|                            | weekly       |   |
|                            | monthly      |   |
|                            | quarterly    |   |
|                            | semiannual   |   |
|                            | annual       |   |
|                            | single event | x |

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           | x          | (mark with x)                 |

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$139

This violation Final Assessed Penalty (adjusted for limits) \$139

# Economic Benefit Worksheet

**Respondent** CELANESE LTD.  
**Case ID No.** 42347  
**Reg. Ent. Reference No.** RN100258060  
**Media** Air  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

## Delayed Costs

|                          |       |            |             |      |      |     |      |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment                |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Buildings                |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Other (as needed)        |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Engineering/construction |       |            |             | 0.00 | \$0  | \$0 | \$0  |
| Land                     |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Record Keeping System    |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Training/Sampling        | \$500 | 1-Jun-2011 | 15-Feb-2012 | 0.71 | \$18 | n/a | \$18 |
| Remediation/Disposal     |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Permit Costs             |       |            |             | 0.00 | \$0  | n/a | \$0  |
| Other (as needed)        |       |            |             | 0.00 | \$0  | n/a | \$0  |

Notes for DELAYED costs

Estimated expense for training to ensure that the reports are completed correctly. The Date Required is the date of the emissions event and the Final Date is the date the corrective actions are expected to be completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

|                               |  |  |  |      |     |     |     |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal                      |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$18

## Compliance History

|                                     |                                |                                     |                            |                   |
|-------------------------------------|--------------------------------|-------------------------------------|----------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600130850                    | CELANESE LTD.                       | Classification:<br>AVERAGE | Rating: 1.74      |
| Regulated Entity:                   | RN100258060                    | CELANESE BAY CITY PLANT             | Classification: AVERAGE    | Site Rating: 0.63 |
| ID Number(s):                       | AIR OPERATING PERMITS          | ACCOUNT NUMBER                      | MH0009H                    |                   |
|                                     | AIR OPERATING PERMITS          | PERMIT                              | 1628                       |                   |
|                                     | AIR OPERATING PERMITS          | PERMIT                              | 2943                       |                   |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE | EPA ID                              | TXD026040709               |                   |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE | SOLID WASTE REGISTRATION #<br>(SWR) | 30134                      |                   |
|                                     | INDUSTRIAL AND HAZARDOUS WASTE | PERMIT                              | 50153                      |                   |
|                                     | POLLUTION PREVENTION PLANNING  | ID NUMBER                           | P00945                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW008                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW110                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW277                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW049                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW032                     |                   |
|                                     | UNDERGROUND INJECTION CONTROL  | PERMIT                              | WDW014                     |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 92860                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 89287                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 53006                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | PERMIT                              | 4093                       |                   |
|                                     | AIR NEW SOURCE PERMITS         | PERMIT                              | 4196                       |                   |
|                                     | AIR NEW SOURCE PERMITS         | PERMIT                              | 4449                       |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 10401                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 10913                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 11284                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 12137                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 10140                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 11154                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 25949                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 28094                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 32347                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 33015                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 33923                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 34298                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 37868                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 38033                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 40983                      |                   |
|                                     | AIR NEW SOURCE PERMITS         | REGISTRATION                        | 42522                      |                   |

|                         |                                     |            |
|-------------------------|-------------------------------------|------------|
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 45372      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 45646      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 46086      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 47290      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 55461      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 75972      |
| AIR NEW SOURCE PERMITS  | AFS NUM                             | 4832100005 |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 52871      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 56123      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 56567      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 42177      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 73755      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 78651      |
| AIR NEW SOURCE PERMITS  | ACCOUNT NUMBER                      | MH0009H    |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 78977      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 79034      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 81428      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 84782      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 84776      |
| AIR NEW SOURCE PERMITS  | REGISTRATION                        | 91343      |
| STORMWATER              | PERMIT                              | TXR05O305  |
| IHW CORRECTIVE ACTION   | SOLID WASTE REGISTRATION #<br>(SWR) | 30134      |
| AIR EMISSIONS INVENTORY | ACCOUNT NUMBER                      | MH0009H    |

Location: 2001 FM 3057, BAY CITY, TX, 77414

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 22, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 22, 2006 to August 22, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Nadia Hameed Phone: 713-767-3629

#### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator?  
N/A
4. If Yes, who was/were the prior owner(s)/operator(s)?  
N/A
5. When did the change(s) in owner or operator occur?  
N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

**Components (Multimedia) for the Site :**

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

|    |            |          |
|----|------------|----------|
| 1  | 09/19/2006 | (520239) |
| 2  | 12/12/2006 | (531424) |
| 3  | 10/18/2006 | (544549) |
| 4  | 11/21/2006 | (544550) |
| 5  | 12/19/2006 | (544551) |
| 6  | 01/24/2007 | (544552) |
| 7  | 09/21/2007 | (570849) |
| 8  | 02/20/2007 | (575357) |
| 9  | 03/19/2007 | (575358) |
| 10 | 04/24/2007 | (575359) |
| 11 | 05/17/2007 | (575360) |
| 12 | 06/21/2007 | (575361) |
| 13 | 07/19/2007 | (575362) |
| 14 | 02/08/2008 | (595545) |
| 15 | 08/16/2007 | (601627) |
| 16 | 09/20/2007 | (619525) |
| 17 | 10/22/2007 | (619526) |
| 18 | 11/19/2007 | (619527) |
| 19 | 02/21/2008 | (672047) |
| 20 | 03/20/2008 | (672048) |
| 21 | 12/19/2007 | (672049) |
| 22 | 01/16/2008 | (672050) |
| 23 | 04/18/2008 | (689961) |
| 24 | 05/20/2008 | (689962) |

|    |            |          |
|----|------------|----------|
| 25 | 06/18/2008 | (689963) |
| 26 | 12/09/2008 | (703636) |
| 27 | 07/21/2008 | (710743) |
| 28 | 08/21/2008 | (710744) |
| 29 | 09/22/2008 | (710745) |
| 30 | 10/22/2008 | (727488) |
| 31 | 11/19/2008 | (727489) |
| 32 | 12/16/2008 | (727490) |
| 33 | 02/19/2009 | (750278) |
| 34 | 03/23/2009 | (750279) |
| 35 | 01/16/2009 | (750280) |
| 36 | 12/09/2009 | (767340) |
| 37 | 04/22/2009 | (768374) |
| 38 | 02/18/2010 | (804678) |
| 39 | 05/15/2009 | (804679) |
| 40 | 06/15/2009 | (804680) |
| 41 | 07/22/2009 | (804681) |
| 42 | 08/20/2009 | (804682) |
| 43 | 09/23/2009 | (804683) |
| 44 | 10/19/2009 | (804684) |
| 45 | 11/19/2009 | (804685) |
| 46 | 12/15/2009 | (804686) |
| 47 | 01/18/2010 | (804687) |
| 48 | 03/17/2010 | (830892) |
| 49 | 04/15/2010 | (830893) |
| 50 | 05/18/2010 | (830894) |
| 51 | 06/18/2010 | (846272) |
| 52 | 07/19/2010 | (860866) |
| 53 | 08/16/2010 | (866833) |
| 54 | 01/06/2011 | (872917) |
| 55 | 09/14/2010 | (873904) |

56 10/19/2010 (881505)

57 11/17/2010 (888033)

58 12/16/2010 (896244)

59 01/18/2011 (902308)

60 02/17/2011 (909089)

61 03/17/2011 (916347)

62 04/14/2011 (924811)

63 08/19/2011 (932627)

64 05/13/2011 (938029)

65 06/17/2011 (945398)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date:** 02/28/2007 (575358)CN600130850

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

**Date:** 08/31/2007 (619525) CN600130850

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

**Date:** 09/14/2007 (570849) CN600130850

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: NOR was not updated.

**Date:** 09/30/2007 (619526) CN600130850

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

**Date:** 02/08/2008 (595545) CN600130850

Self Report? NO Classification: Moderate

Citation: 25299, SC 3 PERMIT  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 15 OP

Description: Failure to operate ethylene flare with a flame present at all times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
4449, SC 11E PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 15 OP

Description: Failure to plug/cap all open ended lines. (Category C10)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 1D OP  
Description: Failure to identify a malfunction plan for loss of control device on the VA unit  
Startup, Shutdown, and Malfunction Plan.

Date: 07/31/2008 (710744) CN600130850  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2008 (710745) CN600130850  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 (727489) CN600130850  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/11/2008 (703636) CN600130850  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
4196, SC 7E; 4449, SC 11E; 5546, SC 10E PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 19 OP

Description: Failure to plug/cap all open ended lines.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
5546, SC 11A PERMIT  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 19 OP

Description: Flare pilot flame outage.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(a)(2)  
5C THSC Chapter 382 382.085(b)  
O-01628, SC 1A OP  
Description: Storage tanks without a control device during flare outage.

Date: 09/30/2009 (804684) CN600130850  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/11/2009 (767340) CN600130850  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.119(b)(1)



5C THSC Chapter 382 382.085(b)

Special Condition 15 OP

Special Condition 1 OP

Special Condition 4 OP

Description: Failure to properly operate and maintain the V-199 storage tank (EPN 251AV199). The deviation report dated December 19, 2008 indicates that the internal floating roof sank on October 15, 2008 during the process of off-loading rail cars into Tank V-199 causing excess emissions to the atmosphere. (Category C4 violation)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 11E PERMIT  
Special Condition 15 OP  
Special Condition 1A OP

Description: Failure to seal open-ended valves or lines with a cap, blind flange, plug or a second valve. Celanese reported, as deviations, 1 open-ended line in the Bay City Plant during the deviation reporting period of May 23, 2008 through November 22, 2008. (Category C10 violation)

Date: 12/31/2009 (804687)

CN600130850

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (804678)

CN600130850

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2010 (896244)

CN600130850

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/07/2011 (872917)

CN600130850

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16 OP  
Special Condition 7E PA

Description: Failure to cap/plug open ended lines. Category C10 violation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(ii)  
5C THSC Chapter 382 382.085(b)  
Special Condition 16 OP  
Special Condition 6 PA

Description: Failure to conduct annual tank inspection for internal floating roof (IFR), Tank# V-200. Category C1 violation.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter B 115.112(c)(1)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)

Special Condition 1 PA  
Special Condition 16 OP

Description: Unauthorized hazardous air pollutants emissions vinyl acetate (VA) to the atmosphere from internal floating roof (IFR) Tank #V-199 and V-200. Category B14 violation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(5)  
Special Condition 1A and 16 OP  
Special Condition 9B PA

Description: Failure to maintain flare pilot light . Category C1 violation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Special Condition 21 OP

Description: Failure to update risk management plan emergency contact information. Category C3.

Date: 01/31/2011 (909089) CN600130850

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

Notice of Intent Date: 08/08/2007 (594122)

No DOV Associated

Notice of Intent Date: 05/18/2011 (924263)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CELANESE LTD.  
RN100258060**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-1501-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CELANESE LTD. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a chemical manufacturing plant located at 2001 Farm-to-Market Road 3057 in Bay City, Matagorda County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation on June 23, 2011, TCEQ staff documented that 21,320.55 pounds of 1-hexene were released when the Respondent failed to prevent the railcar loading arm from disconnecting during a product off-loading operation in the Shipping Area, resulting in an emissions event which began on June 1, 2011, and lasted for 17 minutes (Incident No. 155170).
4. During an investigation on June 23, 2011, TCEQ staff documented that the Respondent failed to include in the Final Report the authorization number and the correct authorization limit for the facility involved in Emissions Event Incident No. 155170.
5. The Respondent received notice of the violations on August 22, 2011.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), Air Permit No. 4449, Special Conditions No. 1, Federal Operating Permit ("FOP") No. 1628, Special Terms and Conditions No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to include in the Final Report the authorization number and the correct authorization limit, in violation of 30 TEX. ADMIN. CODE §§ 101.201(b)(1)(H) and 122.143(4), FOP No. 1628, Special Terms and Conditions No. 2, and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Ten Thousand One Hundred Thirty-Nine Dollars (\$10,139) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Ten Thousand One Hundred Thirty-Nine Dollar (\$10,139) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Ten Thousand One Hundred Thirty-Nine Dollars (\$10,139) as set forth in Section II, Paragraph 5. above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CELANESE LTD., Docket No. 2011-1501-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
  - i. Implement procedures to prevent the recurrence of emissions events due to the same or similar cause as Incident No. 155170; and
  - ii. Implement training to ensure that all final emissions event reports submitted to the agency are completed correctly.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

 for R. Hyde  
For the Executive Director

12-21-11  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of CELANESE LTD. I am authorized to agree to the attached Agreed Order on behalf of CELANESE LTD., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, CELANESE LTD. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

10/31/2011  
Date

Mark Frels  
Name (Printed or typed)  
Authorized Representative of  
CELANESE LTD.

Site Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.